

## **9.10.00.00 - JUDGMENT AND FINAL ORDER OF CONDEMNATION**

### **9.10.01.00    General**

The Regional Legal Office prepares the Judgment and Final Order of Condemnation and forwards the documents to the District for filing with the Court. A certified copy of the FOC must be recorded. (See CCP Section 1268.030 (c).)

### **9.10.02.00    Judgment by Default**

The Department takes defaults in condemnation proceedings only after making a diligent effort to induce the property owner to answer. Prior to entering a default under any condemnation proceeding, the Regional Legal Office sends a letter to the property owner giving a final date for appearance.

The Court requires military affidavits before granting a judgment by default. The party serving the Summons and Complaint must obtain sufficient facts to thereafter make a military affidavit, if required.

### **9.10.03.00    Time of Paying Judgment**

CCP Section 1268.010 requires the plaintiff to pay the full amount required by the judgment within 30 days after final judgment.

The District will make every reasonable effort to deposit the amount of the award on the date the judgment is entered to keep payment of interest to a minimum. The District should not have the judgment signed until it is in a position to deposit the award, plus interest under OP if any, computed to the date the judgment will be signed and entered. If a motion for a new trial will be made by the State, State's attorney will request the District to delay making the deposit.

### **9.10.04.00    Method of Paying Judgment**

Payment is made by either or both of the following methods:

- **Payment of Money Directly to the Property Owner** — Any amount that the property owner has previously withdrawn shall be credited as a payment on the judgment.
- **Deposit of Money with the Court Pursuant to CCP Section 1268.110** — It is State's practice to make the deposit into Court rather than directly to the property owner or to an escrow agent, unless unusual circumstances exist.

**NOTES:**